

**From:** [Gee, Randy](#)  
**To:** [Acosta, Gerardo](#)  
**Subject:** FW: Choctaw Nation Information for EPA from consultation actions  
**Date:** Tuesday, October 13, 2020 3:33:32 PM  
**Attachments:** [image001.png](#)  
[EPA Consultation Question 9-10-2020.pdf](#)

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**From:** Tye Baker <[tbaker@choctawnation.com](mailto:tbaker@choctawnation.com)>  
**Sent:** Wednesday, September 16, 2020 10:12 AM  
**To:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; melissarobinson@choctawnation.com;  
thorst@choctawnation.com; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Cc:** Brian Danker <[bdanker@choctawnation.com](mailto:bdanker@choctawnation.com)>; Joshua L. Maldonado  
<[jlmaldonado@choctawnation.com](mailto:jlmaldonado@choctawnation.com)>  
**Subject:** RE: Choctaw Nation Information for EPA from consultation actions

Halito Arturo and Randy,  
In my prior correspondence, I believe I submitted a version of our consultation questions that still had track changes review visible in the document. Could you please replace that previous document regarding consultation questions with the attached pdf version? I appreciate any accommodations you can make.

Yakoke,

**Tye Baker**  
**Senior Director, Environmental Protection Services**  
**Division of Legal and Compliance**  
**1802 Chukka Hina Drive**  
**P.O. Box 1210**  
**Durant, Oklahoma 74701**  
**800.522.6170 x 2243**  
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**From:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>  
**Sent:** Monday, September 14, 2020 5:03 PM  
**To:** Tye Baker <[tbaker@choctawnation.com](mailto:tbaker@choctawnation.com)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Cc:** Brian McClain <[bmcclain@choctawnation.com](mailto:bmcclain@choctawnation.com)>; Brian Danker <[bdanker@choctawnation.com](mailto:bdanker@choctawnation.com)>;  
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**Subject:** RE: Choctaw Nation Information for EPA from consultation actions

**Halito:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello as well Tye,

This is to acknowledge receipt of your email with the additional information for EPA's consideration. Thank you for sending.

Regards,

Arturo

*Arturo J. Blanco*, Director  
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US EPA Region 6  
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**From:** Tye Baker <[tbaker@choctawnation.com](mailto:tbaker@choctawnation.com)>

**Sent:** Monday, September 14, 2020 4:28 PM

**To:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Cc:** Brian McClain <[bmcclain@choctawnation.com](mailto:bmcclain@choctawnation.com)>; Brian Danker <[bdanker@choctawnation.com](mailto:bdanker@choctawnation.com)>; Daron P. Sharp <[dsharp@choctawnation.com](mailto:dsharp@choctawnation.com)>; [thorst@choctawnation.com](mailto:thorst@choctawnation.com); [melissarobinson@choctawnation.com](mailto:melissarobinson@choctawnation.com); Joshua L. Maldonado <[jlmaldonado@choctawnation.com](mailto:jlmaldonado@choctawnation.com)>; Brad Mallett <[bmallett@choctawnation.com](mailto:bmallett@choctawnation.com)>; Mason, Scott <[Mason.Scott@epa.gov](mailto:Mason.Scott@epa.gov)>; McQueen, Ken <[McQueen.Ken@epa.gov](mailto:McQueen.Ken@epa.gov)>; McGuire, James <[McGuire.James@epa.gov](mailto:McGuire.James@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>

**Subject:** Choctaw Nation Information for EPA from consultation actions

Halito,

Per the Choctaw Nation's discussion with EPA during the formal consultation session concerning SAFETEA, we agreed to provide further information. Please provide to any necessary additional parties not addressed here. Attached you will find:

1. Questions posed by Choctaw Nation during the consultation. Please be advised that we were

not able to ask or receive information on the majority of our concerns. We ask that you please review the list in its entirety and supply appropriate responses or information to all questions.

2. Treaty language discussed during consultation from the Treaties of Dancing Rabbit Creek (1830) and the Treaty of 1866. We understand that EPA was going to review that language in addition to seeking to understand how the Agency and Federal Government should consider how the invocation of the SAFETEA provision may affect rights afforded though and by those treaties.
3. Supplemental information from EPA concerning guidance to address treaty rights.
4. Information regarding a decision by the National Labor Relations Board to indorse this same treaty language, therefore acknowledging inability of a federal agency to abrogate rights set forth by those treaties.

We respectfully request that the EPA review all this information and provide responses in writing or via another consultation session prior to any decision or approval of any action related to the SAFETEA provision.

The Choctaw Nation dearly values our relationship with EPA and the resources you have made available in assisting us to develop our regulatory administration and overall protection of our environment. If you have any concerns or questions regarding this information or requests please contact us at any time.

Yakohe,

**Tye Baker**  
**Senior Director, Environmental Protection Services**  
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